

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:15-CV-566-FL

UNITED STATES OF AMERICA

Plaintiff,

v.

\$5,400.00 IN U.S. CURRENCY

Defendant.

ORDER

Pending before this Court is a consent Motion to Stay the Proceedings. Claimant moves under 18 U.S.C. § 981(g)(2) to stay her civil forfeiture proceedings. For good cause SHOWN, the Court GRANTS this Motion.

Section 981(g)(2) provides that upon the filing of a motion by a claimant, the Court shall stay a civil forfeiture proceeding where: (1) the claimant is the subject of a related criminal case or investigation; (2); the claimant has standing to assert a claim in the civil forfeiture proceeding; and (3) the continuation of the forfeiture proceeding would burden the right of the claimant against self-incrimination in the related criminal case. 18 U.S.C. § 981(g)(2).

Upon a review of the record in this case, the Courts finds that a related criminal case is currently ongoing that involves similar facts, witnesses, and circumstances to this civil forfeiture proceeding. See 18 U.S.C. § 981(g)(4). Moreover, Claimant has standing to assert a claim in these forfeiture proceedings.

Finally, a stay of these proceedings is warranted pursuant to Section 981(g) because civil discovery will burden Claimant's right against self-incrimination in the related criminal

case. See 18 U.S.C. § 981(g)(2).

The Court, therefore, GRANTS the Motion to Stay and stays these proceedings until such time as the related criminal proceedings have been finally determined.

SO ORDERED. This 15th day of December, 2015.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style.

LOUISE W. FLANAGAN
United States District Judge